

Foodie's Future Uncertain

Landlord questions if market can work without license



A new septic system is being installed in the A&P plaza this week. Whether a new supermarket will also be there remains uncertain.

By JOSH CUTLER

Foodie's owner Victor Leon, Jr. said Monday he is still committed to opening a Duxbury market, despite not getting a license from the town to sell beer and wine.

"Our plan might change a little bit in terms of what kind of store we put there, but there will be a store," Leon said. He and his father, Victor Leon, operate Foodie's Urban Market in Boston's South End.

Selectmen denied Foodie's application for a beer and wine license last week on a split vote. Selectman Betsy Sullivan recused herself because her bank does business with Foodie's.

"We'll be having meetings this week to go over our financial plan and see what kind of hit we are going to take from this...we need to figure out if we can make money without this license," Leon said.

While Leon remains optimistic, landlord Bill Kaull of Mellon Bank was less certain.

"This is a not a sure thing, not by any stretch. It does force everyone back to the drawing board," said Kaull, who is the property manager for the Depot Street shopping plaza.

Kaull said there was still the chance that Foodie's could back out.

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"At this point anyone can walk away. He [Leon] can be my next phone call and say 'this is not going to work out.' The [short-term financial] pain would be less than the pain of having the business not make it.

"We talked for over 14 months from the time we first met until he felt comfortable enough to move forward. A lot of people stretched pretty far to make this happen," Kaull said. "I am afraid all this negative talk will scare him away."

While it may not be too late for Foodie's to change its mind, there is at least one part of the process that has passed the point of no return — the septic system.

Long a sticking point for any new tenant, the construction of a new septic system is already underway in the A&P plaza parking lot. Kaull said his company was committed to spending \$1 million for a new system, which is necessary to accommodate a supermarket.

"I am the guy in the canoe that just went over the waterfall. The property will have a new septic system regardless of what is there...I can't stop

that. If I could, I would have."

Kaull was clear that if the deal with Foodie's fell through another supermarket would not be in Duxbury's future.

"This is the last opportunity for a grocer in Duxbury at that location. I would not waste another three years trying to market it as a grocery...This would be the kiss of death."

Both Kaull and Leon said their expectation coming in was that town officials would be supportive of a beer and wine license for the market.

"It was a reasonable request; there were licenses available. Nobody ever said 'that will never fly,'" Kaull said.

Kaull pointed out that many independent supermarkets in Massachusetts sell beer and wine as a means of competing with larger chains. He cited Village Market in Scituate and Crosby's Market on the North Shore. Jim McInnis of Village Market had previously expressed interest in the Duxbury location. Kaull said a beer and wine license would have been a requirement for him as well.

The three liquor stores in Duxbury that opposed the

Foodie's license dispute that need.

"Foodie's does not need a beer and wine license to make money. They proved that in Boston," Attorney Gerald Caruso told selectmen during the original licensing hearing. Caruso represented Duxbury Wine & Spirits, The Wine Depot and Bennett's General Store.

During the hearing Caruso also questioned whether Foodie's had met the standard required for granting an alcohol license.

"Your standard is whether there is a public need and whether there is an adequate number of places in the area that serve that need," Caruso told selectmen.

Caruso did not immediately return a call seeking further comment on Monday.

Kaull said he thought concerns about the negative impact on liquor stores were overblown.

"If someone is buying a couple cases of beer for a party they are probably not going to the grocery store," he said.

The issue has caused mixed feelings in the business community.

Prior to the selectmen hearing...

hearing the Duxbury Business Association had resisted supporting either side.

"We did not want to pit one business against another," said DBA president Anne Antonellis.

In the wake of concerns about the market's prospects without a beer and wine license, the DBA voted Thursday to support a beer and wine license for Foodie's if it the deal was contingent on getting one.

Paula Durfee, who owns The Wine Depot, said she was glad to see Foodie's come to town, but questioned the need for yet another liquor license.

"It's too close to two stores that sell liquor. It's wonderful that a market is going there, but there are a lot of beer and wine stores in the area already," Durfee said.

Despite the license dispute Leon said he was pleased with the overall reception Foodie's had gotten from Duxbury.

"We've had a great response from people in town. Everyone I have talked to has been very supportive," he said.

Under Massachusetts state law an applicant must wait one year to re-apply for an alcohol license that has previously been denied. However, the licensing authority — in this case the Board of Selectmen — can waive that requirement and permit the applicant to reapply anytime.